IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1551 OF 2003

IN

SUIT NO. 1461 OF 2003

Vikas Centre Condomminium .....**Plffs.**
vs.
Pankay Beneficiary Trust .....**Defnds.**

R.K. Desai for the plaintiffs.
Firdos Pooriwalla a/w. Y. Gabriel i/b.
Anil Agarwal for the defendants.
Mr. Rajkumar Surekha, Trustee of Defendant present.

CORAM: S.U. KAMDAR, J.

DATE : 6th October, 2005.

P.C. :.

1. Mr. Rajkumar Surekha, one of the trustee of the defendant trust states that the defendants shall pay to the plaitniff a sum of Rs.2,74,963/- alongwith interest at the rate of 9% p.a. from the date of the suit til payment and/or realkisation.

In an event if such amount is not paid there shall be decree in favour of the plaintiffs and against the defendants for the aforeasid amouint of Rs.2,74,963/- with interest at the rate of 9% p.a. from the dte of the suit till payment and/or realisation.

2. The defendant shall pay the aforesaid amount within a peruiod of 8 weeks from today. If the amount is not so paid there shall be decree in favour of the plaintiffs and aginst the defenenats.

3. Learned cousnel for the plaintiffs accepts the aforesaid proposal and further states that he will take all necessary steps for removiang illegal construction of wall which has been constructed between the two shop premises and will initiate action as soon as the aforesaid amount is paid by the plaintiff. In tht view of the matter suit decreed accordingly. In view thereof motion does not survive. The same is dismissed as infructious. Refund of court fees as per rules.

sd/-

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